

ORDINANCE NO. O2014.11

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF TEMPE, ARIZONA, AMENDING
CHAPTER 27, ARTICLE II, OF THE TEMPE
CITY CODE, RELATING TO SEWERS AND
SEWAGE DISPOSAL.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA,
as follows:

Section 1. That Chapter 27, Article II, Section 27-154 of the Tempe City Code is hereby amended to read as follows:

Sec. 27-154. Violations; discontinuance of service; charges.

The violation of this article shall be sufficient cause for the public works department to discontinue sewer service to any premises, and such service shall not be restored until such violations have been discontinued or eliminated. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. The actual cost for disconnecting and reconnecting the sewer service, plus a service charge of ~~twenty-five dollars (\$25)~~ IN AN AMOUNT ESTABLISHED BY COUNCIL RESOLUTION (SEE APPENDIX A), shall be paid to the city prior to reconnecting the sewer.

Section 2. That Chapter 27, Article II, Section 27-192(b) of the Tempe City Code is hereby amended to read as follows:

Sec. 27-192. When due and payable; disconnection upon delinquency.

(b) Sewer service rental shall be due and payable at the office of the finance and technology director when the monthly statement is rendered. PAYMENT SHALL BE SUBMITTED BY THE DUE DATE PRINTED ON THE MONTHLY STATEMENT and shall be delinquent ~~ten (10) days~~ thereafter. If the total bill for any such charge is not paid ~~within five (5) days after~~ BY the date of delinquency, service of all domestic water ~~shall~~ MAY be discontinued to such user, and additional service charges as specified in Section 33-58 shall be charged and collected plus the total amount of the delinquent bill before service is again resumed.

Section 3. That Chapter 27, Article II, of the Tempe City Code is hereby amended by repealing Section 27-193 as follows:

Sec. 27-193. ~~Payment guaranteed by property owner.~~ REPEALED.

~~In all cases where sewer service is used on any premises and the payment thereof is guaranteed by the property owner, the property owner or his agent shall settle for the full amount of sewer service rental against such property, and the collector of sewer service rental shall not receive pay from the tenant unless the tenant sees fit to pay the whole of such sewer service rental charged against such property.~~

Section 4. That Chapter 27, Article II, Section 27-195(a) of the Tempe City Code is hereby amended to read as follows:

Sec. 27-195. Liens.

(a) UNLESS OTHERWISE PROHIBITED BY STATE LAW, Delinquent sewer service rental shall constitute a lien against ~~such~~ THE property ~~upon which such lien may be imposed~~ WHERE THE SERVICES WERE PROVIDED. The procedure to perfect such lien shall be as follows:

- (1) The finance and technology director shall give written notice to the owner, ~~occupant or lessee~~ of the property within thirty (30) days after the statement is rendered by either personally serving or mailing to such owner, ~~occupant or lessee~~, at his THE OWNER'S last-known address by certified or registered mail, or the address to which the sewer service rental billing was sent. This written notice shall indicate that the city shall impress and secure a lien on the subject property unless the owner, ~~occupant or lessee~~ brings his THE delinquent bill current within thirty (30) days from service or receipt of the letter, and, in addition, pays any penalties that may be due pursuant to Section 27-192. The notice shall also contain a statement that the owner, ~~occupant or lessee~~ may appeal the delinquency to the city council by filing such appeal within the thirty-day time period after receipt of such notice.
- (2) If the owner, ~~occupant or lessee~~ of the property does not bring his THE delinquency current or successfully prosecute his AN appeal to the city council within the thirty (30) days from service or receipt of the registered or certified letter, the finance and technology director shall prepare duplicate copies of a notice and claim of lien and file one copy with the county recorder, and within a reasonable time thereafter serve or mail by registered or certified mail the remaining copy to the owner, ~~occupant or lessee~~ of the property. The notice and claim of lien shall be made under oath by the finance and technology director or his duly authorized representative and shall contain the following:
 - a. A description of the property sufficient for its identification;
 - b. The name of the owner ~~or reputed owner~~ of the property ~~if known; otherwise the name of the occupant or lessee to whom service was rendered~~; and
 - c. The amount of the delinquent bill.

- (3) From and after the date of its recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The city shall have the right to bring an action to enforce the lien in the county superior court at any time after its recording, but failure to enforce the lien by such action shall not affect its validity. The recorded notice and claim of lien shall be prima facie evidence of the truth of all matter recited therein and of the regularity of all proceedings prior to the recording therein.

Section 5. That Chapter 27, Article II, Section 27-196(e) and (j) of the Tempe City Code is hereby amended to read as follows:

Sec. 27-196. Sewer charges.

(e) The finance and technology department shall annually review the sewer charge and the sewer service charge to determine whether any adjustments are necessary to properly recover the cost of providing sanitary sewer system services to each user. If any adjustments are necessary, the finance and technology department shall submit, in a report to the city council, a recommended schedule of charges for each user classification. The report shall contain data utilized in determining the schedule of charges. The city council at a regular meeting shall adopt a notice of intention to adjust the charges and set a date for a public hearing on the proposed adjustment not less than thirty (30) days after the adoption of the notice of intention. After the public hearing, the city council may adopt, by ~~ordinance or resolution~~, the proposed adjustment. If adopted, the adjustment shall become effective thirty (30) days after the adoption of the ~~ordinance or resolution~~ (SEE APPENDIX A).

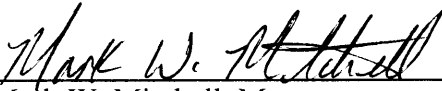
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(j) UNLESS OTHERWISE PROHIBITED BY STATE LAW, Each sewer charge rendered under or pursuant to this article is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the sanitary sewer system of the city.

Section 6. The charges specified in Tempe City Code, Section 27-154, and in effect on this date shall continue to be imposed until charges for that section are established by Council Resolution.

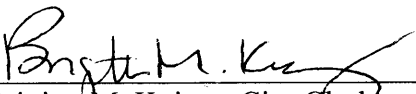
Section 7. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption or at any later date specified therein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA this 20th day of March, 2014.



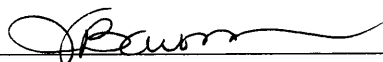
Mark W. Mitchell, Mayor

ATTEST:



Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:



Judith R. Baumann, City Attorney